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translation of another text of the same νόμοι, contained in a manuscript of Paris (Savigny-Stiftung. XXIII, pag. 101-43).

The book published now in the collection "Testi e Studi" of the Vatican Library, contains the text of the first twelve books of the Tipoukeitos critically edited by Mercati, and the Latin translation of Ferrini. An elaborate preface by Mercati gives an accurate account of the Vatican manuscript and of the text; then it discusses at length the question of the authorship, concluding that the work is due to Patze, who wrote it about the end of the eleventh century. The nature of the evidence on which Mercati bases his conclusion is such that this question may be considered as definitely settled, and the hypotheses formulated in the past by Allatius Heimbach and Zacharia must be discarded. The text is given in the exact form in which it is contained in the manuscript, but attention is called to mistakes due to the *scriba*, and the probable original words and phrases either misspelled or omitted in the text, are proposed by the editor in scholarly notes. Ferrini's Latin translation is, as usual, faithful and clear, and couched in the exact terminology of the Roman law.

HARVARD UNIVERSITY.

GEORGE F. LA PIANA.

CRIMINOLOGY. By Maurice Parmelee, Ph.D. New York: The Macmillan Co. 1918. pp, xiii, 522.

Old-fashioned lawyers regard Criminology as a pseudo-science, quite unworthy serious attention; and even progressive lawyers have doubted the title of its literature to be included in a law library of the highest class. This book will give aid and comfort to the holders of such opinions.

The reviewer believes firmly that there is a useful and sufficiently exact science of Criminology; that among its materials are comparative criminal law, the history of crime, criminal psychology as illustrated in reported trials, and penology as a study of the social effect of punishments. Such a Criminology, a study of legal and social phenomena as a means to a social end, should be a fruitful subject of investigation for a lawyer. Doubtless Dr. Parmelee would claim that this book represents such a study and with such an object. If so, he has chosen the wrong material, or his social aim is unsound, or his lack of legal training prevents him from writing a useful book for a lawyer.

Dr. Parmelee is an earnest and conscientious writer; he has brought together many facts and opinions about crime and punishment which ought to be in the minds of counsel, judges, and legislators. The book is a useful compendium for the careful reader in a subject where better books are hard to find. But it is not the result either of original investigation or of special knowledge in its field; and its errors in the field of law lead a lawyer to distrust the book in other less familiar branches of knowledge.

The author's treatment of every subject is didactic; and he mistakes assertion for proof. Hardly an actual case is cited. Logic is not one of the numerous sciences he mentions as useful to a criminologist. If he were familiar with the practice of the science he could hardly assert woman's physical inferiority to man in one paragraph, and in the next deny the possibility of her moral superiority on the ground that she inherits from both male and female parents (page 240). His superficial knowledge of law is represented by his conjecture (page 256) that the Roman law is frequently called the Civil law because the Romans developed the civil side of their law more fully than the criminal side. We are surprised to learn (page 311) that the election of judges "in the olden days when the power of kings and of the aristocratic class was still great . . . was a valuable guarantee of popular rights." His idea of a special law-school course in criminology "for those who wish to prepare for this branch of the

judiciary," namely, the criminal magistracy (page 330) shows an imperfect knowledge of that social structure which he desires to reform. His misconception of the nature of crime, which seems fundamental, may be illustrated by his statement (page 247) that prostitution is not really crime, although made so by statute, because the action is due to natural human impulses, does not give rise to a conflict between individual interests, and is a professional activity.

These, it may be urged, are mere microscopic defects in a comprehensive work. They seem to the reviewer to indicate an ignorance of the essential subject-matter of the science. But the author seems to have fundamental limitations which lead him to ignore valuable factors in civilization, and thus reach a partial, if not a partisan, view of the subject. To him, religion is merely superstition; morality is only the *scientia morum*; education, the assembling of information about the physical world. The gross materialism of his philosophy is united with a sort of mechanical sentimentality on the subject of penology which hardly carries conviction.

J. H. BEALE.

THE LAW OF TRADING WITH THE ENEMY. By Charles Henry Huberich. New York: Baker Voorhis Company. 1918.

This book is primarily a commentary on the Act of Congress of October 6, 1917, known as "The Trading with the Enemy Act"; as a commentary its value is doubtful. The proofs were closed too late to include certain fundamental executive orders of February, March, and April, and certain fundamental decisions have changed something of what is stated as law in the book. Some problems, moreover, that have been discussed in recent decisions are not touched upon in the volume. Though this is not the author's fault, it of course renders the book far less valuable than a slightly later book would have made it. Nor does Mr. Huberich point out the important particulars in which American legislation differs from the English Act of 1914. He does not distinguish adequately what is new in substance and effect in the present law in its relation to older theories of neutrality and contraband. He does not give the forms of the war trade board or the custodian of alien property, though he does summarize the certain orders and a treasury decision preceding the act. Mr. Huberich's views are valuable but uneven. His wide continental experience makes his comments upon the position and powers of an alien enemy particularly useful. Its citations are accurate and full. It is certainly an improvement on the volumes of Schuster and of Campbell which have come to us from England. Its practical utility lies in the fact that it is the latest treatment we possess upon the subject which yesterday was all but academic and today is of vital importance. It will be a source of satisfaction to every student of International Law if Mr. Huberich would so revise his book as to make it that standard of treatise he is so uniquely qualified to write.

CHARLES MARVIN.

HANDBOOK OF CRIMINAL PROCEDURE. By William L. Clark, Jr. Second Edition by William E. Mikell. West Publishing Company. 1918. pp. xi, 748.

This is one of the "Hornbook Series" and presents the familiar features of that series. It is an attempt to state in summary fashion the existing law. The scope of the field and the importance of local technicalities add to the difficulties of such treatment. The editor speaks in his preface of the uneven progress toward de-technicalization of criminal procedure which has marked